

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JONATHAN N. HOLLINS,	)	4:08CV3013
	)	
Plaintiff,	)	
	)	<b>MEMORANDUM</b>
vs.	)	<b>AND ORDER</b>
	)	
J.M. HOLLISTER, LLC,	)	
	)	
Defendant.	)	

This is an employment discrimination case in which Plaintiff alleges that he was terminated from his employment with Defendant on the basis of his race. Defendant has filed a motion for summary judgment (filing [28](#)). After careful consideration of the briefs of the parties and the evidentiary materials<sup>1</sup> submitted in support of the parties' positions, the court has concluded that factual disputes remain as to whether Defendant's proffered reason for terminating Plaintiff's employment was actually pretext for race discrimination. As a consequence, the motion for summary judgment shall be denied.

Accordingly,

IT IS ORDERED:

1. The motion for summary judgment filed by the defendant (filing [28](#)) is denied;
2. The motions to strike filed by both parties (filings [37](#) & [42](#)) are denied

---

<sup>1</sup>The court was able to reach its decision without considering the affidavits, declarations, photographs, and purported consent decree that were the subject of the parties' motions to strike. (Filings [37](#) & [42](#).)

as moot, as the court did not consider the disputed evidence in reaching its decision.

December 2, 2008.

BY THE COURT:  
*s/ Richard G. Kopf*  
United States District Judge